

## Message Text

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FM AMEMBASSY NICOSIA

TO SECSTATE WASHDC 3034

INFO AMEMBASSY ANKARA

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E. O. 11652: N/A

TAGS: CPRS, PFOR, EIND, CY, TU

SUBJECT: U.S. PROPERTY CLAIMS IN TURKISH CONTROLLED AREA OF  
CYPRUS

REFS: (A) STATE 015035, (B) NICOSIA A-4, (C) NICOSIA A-7,  
(D) NICOSIA A-9, (E) NICOSIA A-10

1. SUMMARY. THIS CABLE IS IN FURTHER RESPONSE TO  
STATE 015035 CONCERNING PROTECTION OF U.S. PROPERTY  
IN TURKISH CONTROLLED AREA OF CYPRUS. NICOSIA A-9  
TRANSMITTED ENGLISH TEXTS OF REPUBLIC OF CYPRUS LAWS  
CONCERNING CITIZENSHIP AND ACQUISITION OF IMMOVABLE  
PROPERTY BY ALIENS. NICOSIA A-4 TRANSMITTED ENGLISH  
TEXTS OF "TURKISH FEDERATED STATE OF CYPRUS" (TFSC)  
LAWS CONCERNING ADMINISTRATION AND APPROPRIATION OF  
IMMOVABLE PROPERTY ABANDONED BY PERSONS OF ETHNIC  
GREEK OR GREEK CYPRIOT ORIGIN IN TURKISH CONTROLLED  
AREA. FINALLY, NICOSIA A-7 AND NICOSIA A-10  
TRANSMITTED LISTS OF EMBASSY FILES OF COMMERCIAL AND  
PRIVATE PROPERTY CLAIMS IN TFSC AREA RESPECTIVELY.

2. PRESENT CABLE IS DIVIDED INTO THREE PARTS. PART A  
GIVES OBSERVATIONS ON NATURE OF U.S. PRIVATE  
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PROPERTY CLAIMS IN NORTHERN CYPRUS (PARA 1-C,

STATEMENTS FROM PART B DISCUSSED APPARENT ETHNIC ORIGINS AND CITIZENSHIP OF AMCIT PRIVATE PROPERTY CLAIMANTS (PARA 1-B, STATE 015035). PART C IS KEYED TO QUESTIONS RAISED IN PARA 2, STATE 015035. THIS CABLE COMPLETES NICOSIA'S ACTION IN RESPONSE TO STATE 015035. END SUMMARY.

3. BACKGROUND: EMBASSY HAS PRESENTED 167 PRIVATE CLAIMS TO TURKISH EMBASSY AND TURKISH CYPRIOT AUTHORITIES. FOR CONVENIENCE, WE REFER TO THESE AS "DOCUMENTED" CASES BECAUSE CLAIMANTS SUBMITTED DOCUMENTARY EVIDENCE OF AMERICAN CITIZENSHIP AND, INSOFAR AS POSSIBLE, PROOF OF PROPERTY OWNERSHIP. IT SHOULD BE NOTED THAT CLAIMANTS IN 31 OF THESE "DOCUMENTED" CASES ALLEGED THAT TITLE DEEDS WERE LOST DURING 1974 MILITARY OPERATIONS, AND EMBASSY PRESENTED THESE CASE FOLDERS TO AUTHORITIES WITH STATEMENT TO THIS EFFECT. WE HAVE 96 ADDITIONAL INCOMPLETE OR "UNDOCUMENTED" CASES ON FILE WHICH WILL BE PRESENTED TO AUTHORITIES WHEN FURTHER SUPPORTING EVIDENCE IS RECEIVED.

PART A. NATURE OF REALTY, TYPES OF PROPERTY INTERESTS, AND CATEGORIES OF PRIVATE CLAIMANTS.

4. SEVENTY-FIVE PERCENT OF DOCUMENTED CLAIMS AND SIXTY-NINE PERCENT OF UNDOCUMENTED CLAIMS INVOLVE HOUSES AND/OR LAND (BUILDING SITES, CITRUS GROVES, CULTIVATED FIELDS). SEVENTEEN DOCUMENTED CASES INCLUDE MORE THAN ONE HOUSE, AND TEN DOCUMENTED CLAIMS INCLUDE SHOPS OR OTHER COMMERCIAL PROPERTY. CLAIMANTS GENERALLY INDICATE THAT THEY HOLD FULL TITLE TO PROPERTY. (THIS CANNOT BE VERIFIED IN 31 DOCUMENTED CASES FOR WHICH TITLE DEEDS ARE MISSING, AND CLAIMANTS IN 53 OTHER CASES HAVE NOT YET FURNISHED PROOF OF PROPERTY OWNERSHIP). ELEVEN DOCUMENTED CASES CONCERN CONDOMINIUM APARTMENTS, AND SEVERAL OWNERS WERE AWAITING TRANSFER OF TITLE DEED FOR APARTMENT IN JULY 1974. EMBASSY HAS NOT IDENTIFIED ANY DOCUMENTED OR INCOMPLETE CASES IN WHICH APARTMENT WAS PURCHASED ON LEASEHOLD, RATHER THAN FREE-HOLD, BASIS.

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5. TWENTY-THREE CLAIMANTS IN DOCUMENTED CASES ALLEGE LOSS OF MOVABLES ONLY (HOUSEHOLD EFFECTS, PERSONAL BELONGINGS, OR VEHICLES). A FEW INDIVIDUALS CLAIM LOSSES OF INCOME AS SHAREHOLDERS OF COMMERCIAL COMPANIES LOCATED IN NORTH OR AS HOLDERS OF MORTGAGES ON PRIVATE PROPERTY.

6. MOST CLAIMANTS WHO SUBMITTED DEEDS IN DOCUMENTED

CASES ACQUIRED PROPERTY AS A GIFT FROM A RELATIVE OR THROUGH PURCHASES. SMALLER NUMBER INHERITED PROPERTY. ETHNIC GREEK CLAIMANTS FREQUENTLY ACQUIRED ONE OR MORE PIECES OF PROPERTY AS A GIFT AND ADDED TO HOLDINGS THROUGH SUBSEQUENT PURCHASES. VIRTUALLY ALL CLAIMANTS WHO ARE NOT OF GREEK EXTRACTION ACQUIRED PROPERTY BY PURCHASE.

7. AMONG DOCUMENTED CASES, 49 CLAIMANTS ALLEGE THAT THEY LOST THEIR PRINCIPAL RESIDENCE, AND 10 PERSONS REPORTED LOSS OF ALL PERSONAL EFFECTS AT PRINCIPAL RESIDENCE WHICH THEY RENTED. SIXTEEN CASES AMONG 96 INCOMPLETE CLAIMS APPEAR TO INVOLVE LOSS OF A PRINCIPAL RESIDENCE.

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8. MAJORITY OF CLAIMANTS ARE ETHNIC GREEK AMCITS OF MIDDLE OR LATE MIDDLE AGE WHO ARE NOT NORMALLY RESIDENT IN CYPRUS. 38 ETHNIC GREEK CLAIMANTS (DOCUMENTED AND INCOMPLETE CASES) ARE KNOWN TO HAVE RETIRED IN CYPRUS. ONLY ONE (1) NON-ETHNIC GREEK CLAIMANT HAS BEEN SO IDENTIFIED.

PART B. ETHNIC ORIGIN AND CITIZENSHIP STATUS OF CLAA MANTS

9. OVERWHELMING MAJORITY OF CLAIMANTS IN DOCUMENTED CASES

WHERE NATURALIZED

AMCITS WHO WERE BORN IN CYPRUS. MOST LEFT CYPRUS BEFORE 1960, AND QUESTION OF POSSIBLE DUAL U.S.-CYPRUS NATIONALITY DEPENDS PARTLY ON WHETHER CLAIMANT RETAINED STATUS AS BRITISH SUBJECT UNTIL ESTABLISHMENT OF REPUBLIC OF CYPRUS IN 1960. DATES OF CLAIMANTS'S RESIDENCE IN CYPRUS ARE ALSO NEEDED FOR DETERMINATION OF CITIZENSHIP STATUS. UNDER TREATY OF ESTABLISHMENT OF THE REPUBLIC OF CYPRUS, BRITISH SUBJECTS WHO WERE BORN IN CYPRUS ANY TIME BETWEEN AUGUST 16, 1955 AND AUGUST 15, 1960 WERE ACCORDED CYPRIOT CITIZENSHIP. EMBASSY IS NOT IN POSITION TO ESTIMATE RELIABLY NUMBER OF POSSIBLE DUAL NATIONALS AMONG PRIVATE PROPERTY CLAIMANTS BUT NOTES AT LEAST LIMITED OFFICIAL USE

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ELEVEN CLAIMANTS WHO APPEAR TO MEET REQUIREMENTS FOR CYPRIOT CITIZENSHIP.

10. EMBASSY HAS NOT REJECTED ANY PROPERTY CLAIM ON BASIS OF DUAL NATIONALITY OF CLAIMANT. HOWEVER, WE HAVE NINE CLAIMS IN WHICH TITLE FOR IMMOVABLE PROPERTY IS HELD BY AMCIT'S ALIEN SPOUSE. EMBASSY HAS ADVISED SUCH CLAIMANTS THAT WE CANNOT PROPERLY MAKE REPRESENTATIONS ON BEHALF OF ALIENS, BUT WE OFFER TO HOLD DOCUMENTATION ON FILE PENDING FURTHER DEVELOPMENTS ON PROPERTY ISSUE. WHERE AMCIT CLAIMS LOSS OF MOVABLES IN HOUSE BELONGING TO ALIEN SPOUSE, EMBASSY HAS SUBMITTED CLAIM TO AUTHORITIES.

11. EMBASSY IS ALSO NOT IN POSITION TO MAKE EXACT DETERMINATION AS TO NUMBER OF CLAIMANTS WHO ACQUIRED PROPERTY AS "ALIEN CYPRIOTS" OR "ALIEN NATIVES". "ALIEN CYPRIOT" IS EXEMPT FROM RESTRICTIONS OF IMMOVABLE PROPERTY ACQUISITION (ALIENS) LAW OF 1936 AND 1969. 1969 LAW DEFINES "ALIEN CYPRIOT" AS "PERSON WHO WAS BORN IN CYPRUS AT A TIME WHEN HIS PARENTS WERE ORDINARILY RESIDENT IN CYPRUS, OR WHOSE FATHER WAS BORN IN CYPRUS AT A TIME WHEN HIS PARENTS WERE ORDINARILY RESIDENT IN CYPRUS".

12. AMONG ALLEGED OWNERS OF IMMOVABLE PROPERTY IN DOCUMENTED CASES, 105 CLAIMANTS WERE BORN IN CYPRUS. OF THIS NUMBER, WE KNOW THAT 57 HAVE PARENTS WHO WERE BORN IN CYPRUS. AN ADDITIONAL 26 CLAIMANTS WERE BORN IN U.S. OF PARENTS WHO WERE BORN IN CYPRUS. IT IS PROBABLY SAFE TO ASSUME THAT MOST OF THESE CLAIMANTS DO REPEAT DO MEET REQUIREMENTS OF LAW AS "WGIEN CYPRIOTS". (35 CLAIMANTS IN INCOMPLETE

CASES ARE KNOWN TO HAVE BEEN BORN IN CYPRUS.)

13. ONLY TWO CLAIMANTS (ONE APPARENT ETHNIC GREEK, ONE NON-ETHNIC GREEK AMCIT) PRESENTED EVIDENCE OF COUNCIL OF MINISTERS APPROVAL TO PURCHASE THEIR PROPERTIES AS IS REQUIRED OF FOREIGNERS WHO ARE NOT "ALIEN CYPRIOTS". UNTIL RECENTLY, EMBASSY DID NOT LIMITED OFFICIAL USE

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SPECIFICALLY REQUEST CLAIMANTS TO SUBMIT SUCH EVIDENCE, AND OTHER CLAIMANTS MAY HAVE OBTAINED COUNCIL OF MINISTERS APPROVAL FOR THEIR PROPERTY ACQUISITIONS WITHOUT INFORMING EMBASSY.

15. TFSC BARS REGISTRATION OF IMMOVABLE PROPERTY ON BASIS OF ETHNICITY, NOT CITIZENSHIP. ALTHOUGH TFSC HAS ARGUED THAT ETHNIC GREEK AMCITS WHO DID NOT ACQUIRE THEIR PROPERTY BY VIRTUE OF STATUS AS "ALIEN CYPRIOTS" COULD REGISTER PROPERTY, EMBASSY NOTES THAT TFSC HAS APPARENTLY NOT PERMITTED REGISTRATION BY 13 ETHNIC GREEK AMCITS WHO INHERITED THEIR PROPERTY. REPUBLIC OF CYPRUS LAW DOES NOT DISTINGUISH BETWEEN "ALIEN CYPRIOTS" AND OTHER ALIENS IN THE ACQUISITION OF PROPERTY THROUGH "MORTIS CAUSA."

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15. EMBASSY IS NOT IN POSITION TO JUDGE HOW MANY CLAIMANTS MAY HAVE CLOSER AND MORE EFFECTIVE TIES WITH CYPRUS THAN WITH U.S. ONLY 59 CLAIMANTS IN DOCUMENTED CASES ARE KNOWN TO HAVE BEEN NORMALLY RESIDENT IN CYPRUS IN JULY 1974, AND EMBASSY IS NOT SUFFICIENTLY FAMILIAR WITH PARTICULARS OF EACH CASE TO OFFER FURTHER COMMENTS.

PART C. RESPONSES KEYED TO QUESTIONS RAISED PARA 2,  
STATE 015035

16. PARA 2-B: AS FAR AS EMBASSY AWARE, ONLY AMCITS WHO ARE NOT REPEAT NOT ETHNIC GREEK ARE PERMITTED TO REGISTER PROPERTY BY TFSC. TFSC CONTACTS CLAIMANTS DIRECTLY TO SOLICIT CY POUNDS 5 REGISTRATION FEE (APPROX \$12.50) AND TO COMPLETE REGISTRATION FORMALITIES. IN EMBASSY'S OPINION, MANY ETHNIC GREEK CLAIMANTS WOULD COMPLY WITH TFSC REGISTRATION PROCEDURE IF GIVEN OPPORTUNITY AND IF SUCH REGISTRATION ASSURED RESPECT OF PROPERTY RIGHTS. IN ACCORDANCE WITH 75 STATE 057040, EMBASSY HAS NEITHER ENCOURAGED NOR DISCOURAGED PRIVATE AMCITS OR COMMERCIAL COMPANIES FROM REGISTERING WITH TFSC.

17. PARA 2-C: TWO AMCITS OF TURKISH CYPRIOT ORIGIN AND  
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RESIDENT IN U.S. HAVE CONTACTED EMBASSY REGARDING PROPERTY HOLDINGS IN SOUTH. EMBASSY IS SEEKING CLARIFICATION OF STATUS OF THESE AND OTHER AMCIT PROPERTIES WHICH MAY HAVE BEEN AFFECTED BY SEPTEMBER 11, 1975 GOC "ORDER FOR REQUISITION" OF PROPERTIES ABANDONED BY TURKISH CYPRIOTS. SIX OTHER AMCITS AND FAMILIES ARE KNOWN TO HAVE TRANSFERRED TO TFSC AREA FROM SOUTH, AND THEY MAY BE POTENTIAL PROPERTY CLAIMANTS.

18. PARA 2-DC 75 NICOSIA 3537 REPORTED STATEMENT BY "TFSC VICE PRESIDENT" OREK CONCERNING ORGANIZATION OF "CLAIMS OFFICE" WHICH WOULD STUDY CASES DULY REGISTERED WITH TFSC. TURKISH CYPRIOT PRESS REPORTED JANUARY 3 THAT DRAFT BILL WAS IN PREPARATION "PROVIDING COMPENSATION TO FOREIGN NATIONALS, WITH EXCEPTION OF GREEKS, FOR LOSSES OR DAMAGES SUFFERED AFTER THE PEACE OPERATION." ANNOUNCEMENT ATTRIBUTED LOSSES SUFFERED DURING TURKISH

UMPFVRHCXZB FATUON# TO "GREEK CYPRIOT

ADMINISTRATION." EMBASSY BELIEVES TFSC IS CONTEMPLATING COMPENSATION FOR LOOTING OF PROPERTIES WHICH ARE ELIGIBLE FOR REGISTRATION (I.E., NON-ETHNIC GREEK OWNED). HOWEVER, IT IS IMPOSSIBLE TO PREDICT WHAT FORM ANY SUCH COMPENSATION PROCEDURE WOULD TAKE OR WHEN IT WOULD BE IMPLEMENTED, AND WE BELIEVE JUDGEMENT ON THIS QUESTION MUST AWAIT FURTHER DEVELOPMENTS ON POLITICAL SCENE.

19. PARA 2-E: EMBASSY UNDERSTANDS THAT TFSC IS STILL EXAMINING PROPERTY CASES WHICH WERE SUBMITTED PRIOR TO JUNE 30, 1975 REGISTRATION DEADLINE. REGISTERING OFFICE ALSO HANDLES ALL MATTERS RELATING TO ALIENS AND MINORITIES IN TURKISH CONTROLLED AREA, AND THERE ARE NOT ENOUGH STAFF MEMBERS TO SCREEN APPLICATIONS IN TIMELY MANNER. EMBASSY HAS BEEN ASSURED THAT APPLICATIONS FOR REGISTRATION COULD BE ACCEPTED AFTER JUNE 3 DEADLINE IF CLAIMANT OFFERED GOOD REASON FOR DELAY. ETHNIC GREEKS ARE, LIMITED OFFICIAL USE

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OF COURSE, EXCLUDED, BUT EMBASSY CONTINUES TO PRESENT PROPERTY FILES OF ETHNIC GREEK AMCITS. CRAWFORD

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